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NEW JERSEY AS A CRIMINAL TRIAL ATTORNEY

September 12, 2012

**ELECTRONICALLY FILED**

Honorable Jose L. Linares, U.S.D.J.  
Martin Luther King, Jr. U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**RE: United States v. Joseph Belasco  
Criminal No. 12-73 (JL)**

Dear Judge Linares:

We represent Defendant. By conforming Letter Order filed July 18, 2012 [Doc. 13], the Court granted the parties' joint request and set a filing date for Defendants' pretrial motions of September 14, 2012. We respectfully submit this letter to update the Court on the parties' continuing efforts regarding discovery and to request that the Court extend that filing date by approximately sixty (60) days to Friday, November 16, 2012.

As detailed in our prior letter, this case involves a decade-long contractual relationship between the Defendant's company and the alleged victim, Pepsi Bottling Group ("PBG"). Following the Government's initial production of discovery materials, we requested that it obtain from PBG and produce to us certain additional materials. The Government has been obtaining and producing such materials on a rolling basis. On August 16, 2012, we reviewed additional materials at the FBI's Newark office, and yesterday we received two boxes of copies of such materials. We are awaiting copies of other produced materials, and we understand that the Government is awaiting responses from PBG regarding other requested materials.

Additionally, based on materials produced to us last month, we recently requested that the Government request and obtain the same types of materials from PepsiCo, Inc. ("PepsiCo"). The materials produced last month suggest that PepsiCo was involved in the longstanding contractual relationship between the Defendant's company and PBG. We understand that, throughout the period at issue, PBG and PepsiCo were publicly traded corporations separate and independent of each other.

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As stated in our prior letter, we previously requested that the Government consent to the issuance of a Rule 17(c) subpoena to PBG seeking all materials, including electronically stored information ("ESI"), pertaining to the contractual relationship at issue. We have recently requested that the Government consent to a similar Rule 17(c) subpoena to PepsiCo. In light of the Government's continuing efforts to obtain and produce the materials we have requested, and to avoid unnecessary motion practice, we are continuing to defer requesting such subpoenas.

Accordingly, the parties jointly request that the Court extend the filing date for Defendant's pretrial motions from September 14, 2012 to Friday, November 16, 2012.

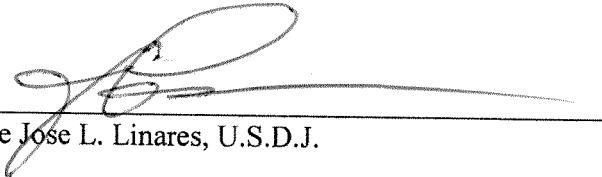
Thank you for considering this submission.

Respectfully,

s/ David W. Fassett

cc: V. Grady O'Malley, AUSA  
Jack Arseneault, Esq.  
Joseph Belasco

SO ORDERED:

  
Honorable Jose L. Linares, U.S.D.J.